

**MUNICIPALITY OF PEMBINA**  
**BY-LAW NO. 16/2021**

**BEING A BY-LAW** of the Municipality of Pembina providing for the regulation of parking within the Local Urban District of Darlingford, the Local Urban District of La Riviere and the Town of Manitou.

**WHEREAS** a municipality has the direction, control and management of municipal roads within its boundaries;

**AND WHEREAS** Section 90 (1) of *The Highway Traffic Act C.C.S.M. c. H60* provides for a traffic authority to make rules or by-laws to regulate and control vehicular and other traffic and the parking thereof within its jurisdiction;

**AND WHEREAS** Section 90 (1) of *The Highway Traffic Act C.C.S.M. c. H60* provides for the council of the municipality to impose penalties for a violation of any such rule or by-law;

**AND WHEREAS** Section 90 (3) of *The Highway Traffic Act C.C.S.M. c. H60* provides for the council of a municipality to make rules or by-laws applicable to any part of a provincial highway within the municipality;

**AND WHEREAS** Section 236 (1) (b) (ii) of *The Municipal Act C.C.S.M. c. M225* states:

- 236 (1) Without limiting the generality of clause 232 (1) (o) (enforcement of by-laws), a by-law passed under that clause may include provisions
  - (b) remedying contraventions of by-laws, including
    - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law.

**AND WHEREAS** the Council of the Municipality of Pembina deems it necessary and expedient to pass a by-law regulating and controlling parking within the Local Urban District of Darlingford, the Local Urban District of La Riviere and the Town of Manitou, pursuant to the provisions of the Municipal Act and The Highway Traffic Act, and amendments thereto:

**NOW THEREFORE** the Council of the Municipality of Pembina duly assembled enacts as follows;

**TITLE**

1.1 This Bylaw may be referred to as the "*Municipal Parking By-Law.*"

**INTERPRETATIONS**

Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in the By-law have the same meaning as the same words and expressions in *The Highway Traffic Act* of the Province of Manitoba.

**DEFINITIONS**

2.1 "**Designated parking spaces**" means a space designated by signs or pavement markings as being for the sole use of motor vehicles displaying a permit and that is located:

- (a) on a highway,
- (b) in a public parking lot or facility, or
- (c) in a private parking lot or facility to which the public has access.

**“Park”** when prohibited, means to stand a vehicle whether occupied or not, except:

- (a) when it is caused to stand temporarily for the purpose of, and while actually engaged in, loading or unloading, or
- (b) in obedience to a peace officer or a traffic control device, and “parking” has a corresponding meaning.

**“Permit”** means a valid physically disabled person’s parking permit issued under Section 124.3 of *The Highway Traffic Act*.

**“Persons”** shall mean any individual, firm, company, association, society, corporation or group.

**“Sidewalk”** means a footpath, whether or not paved or improved, that is intended primarily for the use of pedestrians and that either:

- (a) forms part of that portion of a highway that lies between the curb line or, if there is none, the lateral boundary line of the roadway and
  - (i) the adjacent property lines, or
  - (ii) the straight production of the adjacent property lines to the curb line or if there are none, the lateral boundary line of an intersecting highway, or
- (b) although not part of a highway, is a publicly maintained right-of-way, set aside for pedestrian traffic only and for the purpose of giving access to property adjacent thereof.

**“Stop”** as applied to a vehicle whether occupied or not, means:

- (a) when required, to cause the vehicle to cease to move, and
- (b) when prohibited, to cause the vehicle to cease to move, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or a traffic control device.

**“Street”** shall mean a municipal road for public use and includes a road allowance (including the shoulder), street, lane, thoroughfare, walkway, bridge and underpass, but does not include a departmental road as defined in *The Highways and Transportation Act*.

**“Municipality”** means the Municipality of Pembina.

**“Vehicle”** means a device, in, upon, or by which a person or thing is or may be transported or drawn upon a highway and includes

- (a) an implement or husbandry that is not a motor vehicle, and
- (b) a special mobile machine, but does not include
  - (i) a device designed to be moved by human power or used exclusively upon stationary rails or tracks, or
  - (ii) a motorized mobility aid.

## **TEMPORARY STREET BARRICADES & CLOSURES**

- 3.1 No person shall park in a public street or lane at such time or manner to obstruct the performance of scheduled or emergency maintenance work on the public street or lane. The Municipality may post, close or detour any such streets or deems necessary in order to perform maintenance and/or construction work as necessary from time to time.

## **TRAFFIC CONTROL DEVICES**

- 4.1 Where a traffic control device is placed or maintained to prohibit the stopping or parking of vehicles at any time or during the hours stated on the sign on the street or any portion thereof, no person shall stop or park a vehicle or cause or permit a vehicle to remain stationary on the street or portion thereof to which the device relates, in contravention of the device.

- 4.2** Subject to section 4.1 where a traffic control device is placed or maintained to limit the period of time during which vehicles may be parked or stopped on a street or any portion thereof, no person shall stop or park a vehicle or cause or permit a vehicle to remain stationary on the street or portion thereof to which the device relates for a period longer than authorized by the device.

#### **PARKING RESTRICTIONS/REGULATIONS**

- 5.1** No person shall park or stop a vehicle whereas a sign or painted curb, placed and/or authorized by the Municipality, prohibits parking or stopping, or where a sign has been erected prohibiting the parking or stopping of vehicles.
- 5.2** No person shall park or stop a vehicle on a street in such a manner that it obstructs the entrance to a lane or to a driveway or an approach leading into a private premise or public pathway.
- 5.3** No person shall park a vehicle within three (3) meters of an intersection.
- 5.4** No person shall park within three (3) meters of the approach of a crosswalk.
- 5.5** No person shall park within three (3) meters of the approach of a stop sign.
- 5.6** No person shall park a vehicle within three (3) meters from the point of the curb or edge of the roadway immediately opposite of a fire hydrant.
- 5.7** No person shall park a vehicle within 100 meters of the scene of a fire or emergency except firefighting equipment or other emergency vehicles required in the firefighting operations.
- 5.8** No truck over 4,500 kg in weight, school buses, semi-trailers of any type, trailer, nor motor home shall park on any residential street within the Municipality from eleven o'clock in the evening of one day until six o'clock in the morning of the following day, notwithstanding that a truck or trailer may park on a street during the course of loading or unloading. Such loading and unloading shall be done as quickly as possible and shall not block the street for other vehicular traffic.
- 5.9** No person shall park or stop a vehicle upon or over a sidewalk or in front of a public pathway which will obstruct the use of the sidewalk/pathway by pedestrians.
- 5.10** No person shall park or stop a vehicle in a back lane unless actively loading or unloading a vehicle or trailer.
- 5.11** No person shall stop, stand or park a motor vehicle in a designated parking space for physically disabled persons, or in a manner that makes a designated parking space inaccessible, unless the vehicle displays a permit in accordance with *The Highway Traffic Act* and the regulations under that Act.
- 5.12** Parallel parking of vehicles is required on all streets where parking is permitted in the Municipality of Pembina. Parallel parked vehicles shall be headed in the direction of traffic with the curbside wheels within 450 mm of the curb or if there is no curb, it shall be off the traveled portion of the streets, so that the vehicle will not interfere with the movement of other vehicles. On an uncurbed paved street where there is no designated parking lane, the vehicle shall be parked off of the paved portion of the road with no more than the passenger side (half) of the vehicle located off the pavement.

## **LOADING RESTRICTIONS/REGULATIONS**

- 6.1 No person shall park in a street, except for the purpose of loading and unloading. Such loading and unloading shall be done in as expeditious manner as possible. At no time shall the vehicle being loaded or unloaded completely block the lane, provision for one vehicle to pass shall be made at all times.
- 6.2 No vehicle shall park backed up to the curb except when actually loading or unloading. In no event shall a vehicle be so parked as to interfere with the passage of other vehicles.

## **SNOW REMOVAL**

- 7.1 Persons shall remove parked vehicles and refrain from parking on public streets and lanes during and after snowfall events which will require the removal of accumulated snow. A notification will be sent out to residents about when vehicles need to be moved.

## **PARKING EXEMPTIONS**

- 8.1 The provisions of this by-law prohibiting or regulating stopping and parking shall not apply to:
- (a) emergency vehicles;
  - (b) a vehicle of the Government of Manitoba, the Government of Canada, or a public utility if such vehicles have the owner's name painted thereon and are actually engaged in work of necessity on or near a highway requiring them to stop or be parked in contravention of any such provisions; and
  - (c) a vehicle owned and operated, or a vehicle contracted and employed by the Municipality of Pembina while in use in connection with work being done on or near a municipal road or provincial highway.

## **ENFORCEMENT**

- 9.1 The Municipality is authorized to enforce this by-law, charge penalties and as required, tow vehicles to a compound until all fees and penalties have been paid.
- 9.2 The Municipality of Pembina or the By-Law Enforcement Officer may order a vehicle to be towed away when such a vehicle is parked in a non-compliant manner, the costs or fees of which are the responsible of the registered owner.
- 9.3 The Municipality or By-Law Enforcement Officer may issue a notice in a form approved by the Municipality, hereinafter referred to as an "Administrative Penalty Notice", to any person who has allegedly contravened any of the provisions of this by-law.
- 9.4 The said "Administrative Penalty Notice" shall state the Vehicle License Number, the Date and Time and Place of the Violation, and briefly describe the alleged violation. A copy of the "Administrative Offence Notice" shall be attached to the vehicle or may be handed to the owner or operator in person.

## **PENALTIES**

- 10.1 In the event that a recipient of an "Administrative Penalty Notice", for an offence, voluntarily makes payment at the Municipality of Pembina Office, a receipt shall be issued to the offender. No prosecution shall be proceeded with if the required penalty has been voluntarily paid within the time limit established.

**10.2** Any person guilty of a breach of this by-law shall be liable for a penalty of not more than \$1,000.00. Response to the issued "Administrative Penalty Notice", payment or contestation, shall be made in accordance with directions provided on the front of the issued Administrative Offence Notice.  
Voluntary payment of the set penalty under this by-law may also be made at the Municipality of Pembina Office. When permitted under Provincial Legislation, non-payment of fines may be accrued to the Vehicle Registration License fees for the vehicle identified in an "Administrative Penalty Notice" and paid for at the time of registration.

**OTHER**

**11.1** All other amendments or by-laws prior to the date of passing this by-law that are inconsistent with the provisions of this by-law are herewith repealed.

**11.2** If any provision of the by-law is adjudged invalid the judgement shall not be construed to invalidate the remaining provisions of this by-law.

**DONE AND PASSED** by Council of the Municipality of Pembina duly assembled in Manitou, in the Province of Manitoba, this 10<sup>th</sup> day of November, 2021.

  
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Glenn Shiskoski, Reeve

  
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Wes Unrau, Chief Administrative Officer

Read a first time this 14<sup>th</sup> day of October, 2021.  
Read a second time this 10<sup>th</sup> day of November, 2021.  
Read a third time this 10<sup>th</sup> day of November, 2021.